

REMARKS

This RCE Submission is responsive to the Advisory Action dated November 18, 2002 and the prior Office Action dated May 8, 2002. Claims 1, 4, 7, 10, and 16-21 remain pending. No amendments have been made. It is submitted that the present claimed invention patentably distinguishes over the prior art for the detailed reasons below.

The claims were rejected under 35 USC § 103 over **Braitberg** (USP 5,479,479). However, **Braitberg** does not teach or suggest the present claimed "identifying the *type* of a portable telephone set *based on a response with respect to an operation start signal* which is output to a data interface part of the portable telephone set" wherein "said type of the portable telephone set including at least a *communication protocol* employed by the portable telephone set."

In the Advisory Action, the examiner seems to assert that **Braitberg**'s disclosure of identifying the model of phone "includes the 'signal protocols' necessary for communication with the base unit." Then the examiner appears to assert that this would render obvious the present claimed identification of the type of portable telephone, wherein the type includes at least a communication protocol. This is incorrect, as explained below.

First, the passages of **Braitberg et al.** cited by the examiner do not teach or suggest the subject matter of the present invention. For instance, **Braitberg** column 1, line 62 to column 2, line 10 merely describes that modems are required to convert digital signals to analog tones in order to send digital information via analog channels. Column 4, lines 39-61 merely describes various communication systems (protocols) to which the method of **Braitberg** may be applied. However, this does not mean that **Braitberg et al.** enables simultaneous use of the various communication

systems. Only one communication system may be employed according to **Braitberg**. **Braitberg** simply detects each model of the cellular telephones employing the one communication system.

Column 8, lines 45-61 and column 9, lines 15-27 merely describe how the "model" of the cellular telephone may be identified. This identification does not involve identifying the communication system employed by the cellular telephone. It is a precondition that the same communication system is employed by various models of the cellular telephones.

The examiner also referred to column 4, lines 62-67 of **Braitberg**. This passage describes that "Hand-held cellular telephones, such as unit 10 illustrated in FIGS. 1 and 1A, employ a wide variety of physical interfaces. There are a large number of models of cellular telephones in existence and each physical interconnection and electrical interface is unique to a manufacturers specific model."

The examiner also referred to column 3, lines 19-29 of **Braitberg**. This, passage describes that "Some of the car kit operations which are variable according to the specific model of wireless telephone employed include DC power level control, battery charging regulation, send and receive audio level control, external antenna coupling, and formatting of control data between the car kit and the phone."

From these passages, it is clear that the term "type" used in **Braitberg** is referring to the "model" of the cellular telephone, and does not include the communication system (protocol).

Just because **Braitberg** mentions different communication systems (protocols) does not make the subject matter of the present invention obvious from **Braitberg**. In other words, even though **Braitberg** teaches identification of the "model" of the cellular telephone and mentions various

communication systems (protocols) to which the method of **Braitberg** may be applied, this does not make obvious to identify the present claimed "type" including "at least a communication protocol employed by the portable telephone set."

Again, it is a precondition in **Braitberg** that the same communication system (protocol) is employed by the various different models of cellular phones, and there is no need to identify the communication system (protocol). Hence, **Braitberg** merely identifies the different models of cellular telephones.

Furthermore, if **Braitberg** were intended for simultaneous use with various different communication systems (protocols), it would require a conversion between the various different communication systems (protocols), but **Braitberg** does not teach or suggest a circuitry for realizing such a conversion which would be essential if the various different communication systems (protocols) were used simultaneously.

Therefore, identifying the "model" of the cellular telephone is completely different in nature as compared to identifying the present claimed "type" that includes at least a communication system or protocol of the cellular telephone. A communication system (protocol) is naturally employed by each model of cellular telephone, but this does not make obvious that the "communication system (protocol)" is identified when the model of cellular telephone is identified.

For at least these reasons, the present claimed invention patentably distinguishes over the prior art.

In addition, **Braitberg** does not teach or suggest the claimed use of an "operation start signal and response." The examiner seems to be of the opinion that it would have been obvious to use

**Braitberg's** coded signal with a start operation in order to synchronize the identification data. However, the independent claims do not recite such "synchronization of the identification data." Instead, claim 1 recites that the type of portable telephone set is identified based on a **response** with respect to an **operation start signal** which is **output** to a data interface part of the portable telephone set. As explained in the remarks of the Applicant's Request for Reconsideration dated August 27, 2002 (incorporated herein by reference), **Braitberg's** disclosures of passive identification mechanisms of clipped links and binary codes for identifying the model of phone actually *teach away* from the present claimed invention. **Braitberg's** use of a coded signal is for identifying the make and model of phone. This has nothing to do with the present claimed operation start signal. And, since there is no operation start signal *output* to the phone, **Braitberg** cannot possibly teach or suggest the further specifically claimed feature for relying on a *response* to the operation start signal. For at least these further reasons, the present claimed invention patentably distinguishes over the prior art.

#### Examiner's Interview

The Applicant respectfully requests an Examiner's Interview between the examiner and the undersigned attorney. Upon receipt of this RCE Submission, the Examiner is respectfully requested to contact the undersigned attorney to arrange an Examiner's Interview.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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